

**TOWNSHIP OF SALISBURY  
LEHIGH COUNTY, PENNSYLVANIA  
MINUTES FROM THE BOARD OF COMMISSIONERS  
MARCH 28, 2013  
REGULAR MEETING – 7:00 PM**

The Public Meeting of the Salisbury Township Board of Commissioners was held on the above date in the Township Municipal Building located at 2900 South Pike Avenue, Allentown, Lehigh County, Pennsylvania.

**PLEDGE OF ALLEGIANCE**

Commissioner Brown asked everyone to rise and recite the Pledge of Allegiance, followed by a short period of silence and reflection.

**CALL TO ORDER**

Commissioner Brown called the meeting to order at 7:00 p.m.

Commissioner Brown turned the proceedings over to Randy Soriano, Township Manager.

**ROLL CALL**

**Board Members Present:**

James Brown, President  
Robert Martucci, Jr., Vice President  
James Seagreaves, President Pro-Tempore  
Joanne Ackerman  
Debra Brinton

**Staff Present:**

Randy Soriano, Township Manager  
Cathy Bonaskiewich, Assistant Township Manager/Finance Director  
John Andreas, Director of Public Works  
Allen Stiles, Chief of Police  
Cynthia Sopka, Director of Planning & Zoning  
John Ashley, Esquire, Township Solicitor  
David Tettemer, representative of Township Engineer, Keystone Consulting Engineers

**NOTIFICATION**

Mr. Soriano informed the attendees that all sessions of the Salisbury Township Board of Commissioners regular meetings are recorded electronically for the purpose of taking the Minutes. All public comments on agenda items will be taken prior to the vote. All public comments related to non-agenda items will be taken after the agenda has been satisfied.

Mr. Soriano announced that the Township records the meetings and archives its tapes and records are available pursuant to the Right-to-Know Law, if requested.

Mr. Soriano reminded everyone of the three minute rule and asked that anyone who wishes to speak come to the podium, sign in, announce themselves, and speak clearly into the microphone. Mr. Soriano added that the speaker can choose not to list his/her address; however, it is preferred that the speaker announce if he or she is a Township resident. He noted that if a resident does not divulge his or her address, it will impair the Township administrative follow-ups on a particular issue.

### **APPROVAL OF UNAUDITED FINANCIAL REPORT AND BILLS PAYABLE**

**Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to approve the unaudited Financial Report for the period ending February 28, 2013 and the list of Bills Payable for the period 3/9/2013-3/22/2013, broken down as follows:**

\$89,007.75 = GENERAL

\$14,293.08 = FIRE

\$0 = LIBRARY

\$12,574.03 = WATER

\$99,027.04 = SEWER

\$263.70 = REFUSE & RECYCLING

\$0 \_\_\_\_\_ = HIGHWAY AID

**\$215,165.60 = GRAND TOTAL ALL FUNDS**

#### **Roll Call:**

COMMISSIONER ACKERMAN - YES

COMMISSIONER SEAGREAVES - YES

COMMISSIONER MARTUCCI - YES

COMMISSIONER BRINTON - YES

COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

### **MINUTES**

#### **March 14, 2013**

Commissioner Brown declared the March 14, 2013 Regular Meeting Minutes of the Board of Commissioners approved as presented.

### **NEW BUSINESS**

#### **Iryln/Foothill Road Residents Meeting.**

Mr. Soriano stated that the Township is in receipt of a letter from residents on Iryln and Foothill Roads which requests that the Board review three issues with Iryln and Foothill Roads. He noted that the first issue raised is stormwater runoff from Church Road eroding Iryln Road. The second issue is that the residents believe the Township should share some responsibility for the clean-up of fallen trees since the Township required Mr. Myron Haydt to build a detention pond and runoff ditch for his new development. They allege that the pond and ditch have weakened the land surrounding the major portion of the area and has had a direct impact on the trees that have fallen. Mr. Soriano stated that the third issue raised by the residents is that they believe any restoration or repair to Iryln and Foothill Roads will directly impact what happens with the headwaters at Trout Creek.

Mr. Soriano stated that the Board had members of the Township staff review the issues and comment on it. He stated that the Directors of Public Works and Planning and Zoning have reviewed the matter, and following their review, he sent a letter to the residents indicating the findings. Mr. Soriano commented that first, they ascertained the status of Foothill and Iryln Roads in reference to Township responsibility and they have found no records that have indicated that those two roads have been formally accepted by the Township; therefore, the roads are private and are the responsibility of the property owners who have access rights to Church Road from those two roads.

Mr. Soriano stated that the staff members also looked at water runoff from Church Road and after an onsite inspection, it was determined that the drainage ditch and runoff from Church Road have not impacted the private road. He noted that the Director of Planning and Zoning also looked at the issue concerning the adjacent detention pond that was constructed by Mr. Myron Haydt, and Ms. Sopka determined that the pond is functional in accordance with the approved subdivision plan. Also, Ms. Sopka had contacted the owner, Mr. Haydt, and he indicated that he had removed the fallen trees from the roadway that were from the two storms that hit the area. Mr. Soriano noted that Ms. Sopka did not find any evidence that the detention pond and runoff ditch contributed to the weakened land area or had direct impact on the trees that fell.

Mr. Soriano stated that in respect to the third point raised by the residents, that any restoration or repairs to Iryln and Foothill Roads will directly impact the wetlands and that any repairs seem to be beyond the legal control of the resident, the Township has not found any legal bearing on land which the Township does not own. He noted that likewise, any restoration of the roads would fall beyond the legal control of the Township.

Ms. Barbara Baldwin from 2010 Foothill Road was present to address the Board on behalf of the residents from Foothill and Iryln Roads. She stated that in response to the Township letter, the residents are requesting the assistance of the Township to aid them in repairing the road. She stated that they need to find out who owns the roads in order to find out whose responsibility it is to clear the roads of future fallen trees. Ms. Baldwin noted that the residents have cleared the roads each time, contrary to the response from Mr. Haydt.

Ms. Baldwin stated that in consulting with a licensed Civil Engineer concerning the downed trees in Mr. Haydt's swale, his opinion is that the trees are falling due to exposure to high winds. She hypothesized that Mr. Haydt's work to clear the area to construct the stormwater swale

removed perimeter trees which protected the interior growth of trees that were never exposed to high winds during their growth and therefore never developed strong enough root systems for the current wind exposure.

Ms. Baldwin commented that in reference to stormwater runoff from Church Road, the opinion of the Engineer about the erosion issues is that the Township is draining stormwater from Church Road into the drainage ditch on Irlyn Road, which does not have the capacity suitable to convey the runoff from Church Road. In addition, she noted that the Engineer alleges that debris from Church Road washes into the ditch, filling it and causing stormwater to flow over the lane. As a result, a high amount of moisture infiltrates into the subgrade under the lane, causing the asphalt to deteriorate especially during cold months when freezing temperatures causes the ground to expand.

Ms. Baldwin stated that the Engineer believes the Township has a responsibility to engineer and construct proper drainage of a public right-of-way area that does not cause damage to adjacent private properties. She requested that the Township provide them with the stormwater studies done on Church Road in order to see if the Township ever considered the impacts it would have on the lane. Ms. Baldwin also requested that the Township Engineer meet with the residents on site to further evaluate and validate their Engineer's findings.

Commissioner Brinton questioned when Irlyn Road was resurfaced. Ms. Baldwin stated that it has been patched numerous times, but never been resurfaced. Commissioner Brinton questioned how long ago the road was put in. Ms. Baldwin responded the asphalt was laid in the 1960's and then re-paved in the 1980's. She stated that the road was not in disrepair until the heavy trash trucks started driving on the road.

Commissioner Martucci questioned if there were Ordinances requiring Mr. Haydt to clean up fallen trees on his property. Ms. Sopka stated that the issue would be considered a civil matter between neighbors. Ms. Sopka commented that the majority of the area where the fallen trees had occurred is wetlands, which is under the jurisdiction of the Army Corp of Engineers and there are a lot of restrictions when removing those trees.

Commissioner Martucci inquired the life expectancy of a road built to those standards. Mr. Tettemer replied that a road constructed like that with no stone base gets worn out by natural use, so 20-25 years is normal.

Commissioner Martucci inquired if the drainage ditch along Irlyn Road is a Township drainage ditch. Mr. Andreas replied that no, it is a roadside swale that runs along the length of the private road. He stated that the pipe is minimal in size and nature and not able to create a large erosion problem.

Ms. Baldwin questioned what the solution is for the residents so that they do not incur more flooding of the road and the further demise of it. Mr. Andreas stated that the residents could repave or reconstruct it and then define a roadside swale to keep the water flowing along the side of the lane, rather than giving it the ability to meander and find its own path.

Commissioner Brown suggested sending Mr. Tetteimer to the site and having him report his findings to the Board. Ms. Baldwin provided Mr. Tetteimer with her contact information.

**Motion by Commissioner Martucci, seconded by Commissioner Ackerman, to authorize the Township Engineer to make an onsite inspection and issue a report to the Board of Commissioners.**

**Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES - YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

### **RESOLUTIONS**

**Resolution to submit an Application for a DCNR Community Conservation Partnership Program Grant for the Lindberg Park Perimeter Trail and Connections Project.**

Mr. Soriano noted that the Township expects to submit a Grant application in the amount of approximately \$180,000 to use for the development of the Lindberg Park Perimeter Trail. He stated that the Grant requires the Board authorize someone to sign the signature page, and historically, he has been given the authority to do so. Mr. Soriano commented that the submittal of the Grant is due by April 10, 2013.

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to adopt a Resolution for an Application submittal to DCNR and to authorize the Township Manager to sign the signature page for the community Conservation Partnership Program Grant application.**

**Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES - YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

### **ORDINANCES**

**None.**

## **MOTIONS**

### **Proclaiming the Month of April 2013 as Volunteer Month.**

Mr. Soriano stated that the Proclamation is a prequel to the Volunteer Recognition Dinner. He stated that once the Proclamation is approved, the nominees will be presented a certificate a Volunteer Recognition Dinner hosted by the Board on April 18, 2013.

Mr. Soriano read the Proclamation into the record.

**Motion by Commissioner Brinton, seconded by Commissioner Martucci, to proclaim the month of April 2013 as Volunteer Month.**

#### **Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES - YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

### **Policies on Utility Billing Payment Posting, Collections, and Returned Payments.**

Mr. Soriano stated that the three policies would allow the Finance Department to operate within set rules sanctioned by the Board. He noted that due to the many inquires about how the Township has applied procedures for the billing and collection of water, sewer and refuse/recycling, it would be best to memorialize these practices in a form of a policy which would establish continuity.

Mr. Soriano introduced the Policies: Utility Billing Payment Posting Policy, Utility Billing Collections Policy and Procedures, and Returned Payments Procedure Policy.

**Motion by Commissioner Martucci, seconded by Commissioner Brinton, to approve the Policies as presented, contingent on a final review by the Township Solicitor.**

#### **Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES - YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

**Payment Application #1 – CCTV, Pressure Testing & Grouting – Sanitary Sewer Project.**

Mr. Soriano stated that the payment amount is \$62,217.90. He noted that there is retainage associated with the payment and there is also a change order requesting additional work.

**Motion by Commissioner Ackerman, seconded by Commissioner Seagreaves, to approve Payment Application #1 to Sewer Specialty Services Co., Inc. in the amount of \$62,217.90.**

**Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES -YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

**Motion to approve Change Order No. 1 for the Sanitary Sewer System TV Inspection and Pressure Testing & Grouting Project in the amount of \$7,700 to Sewer Specialty Services Co., Inc. for additional work associated with TV inspection and long spot repairs of sewer main breaks on Honeysuckle Road and Filbert Street and an additional 30-day time extension for the completion of the Contract.**

Mr. Soriano stated that there are some repairs needed that are outside the scope of work of the original Contract. He noted that the Contract is \$20,000 under budget for the work completed to date. Mr. Soriano commented that if the Change Order is approved, the Township will still be approximately \$12,000 under budget.

**Motion by Commissioner Ackerman, seconded by Commissioner Martucci, to approve Change Order No. 1 for the Sanitary Sewer System TV Inspection and Pressure Testing & Grouting Project in the amount of \$7,700 to Sewer Specialty Services Co., Inc.**

**Roll Call:**

COMMISSIONER ACKERMAN - YES  
COMMISSIONER SEAGREAVES -YES  
COMMISSIONER MARTUCCI - YES  
COMMISSIONER BRINTON - YES  
COMMISSIONER BROWN - YES

**The Motion passed by 5-0.**

**OLD BUSINESS**

## **PRIVILEGE OF THE FLOOR**

Mr. Soriano announced that the Township has hired Mr. Stephen Sayers for the Drop-off Center Operator position.

Mr. Soriano stated that the Valley Mountain Bikers have changed officers and Mr. Jon Roth was present to address the Board as their new President.

Mr. Roth stated that the trail systems have not changed in any way as far as any new trails. Commissioner Martucci noted that he received a complaint from a resident who stated that the Mountain Bikers are cutting new trails above and beyond the existing trails. Mr. Roth stated that part of Walking Purchase Park had a lot of destruction from Hurricane Sandy which made the trail impassable so they had to cut a lot of trees to fix it. He noted that what might have happened is that because of the sheer amount of timber that was there, and the inability to clear that in quick manner, there was a temporary bypass installed to get people passed that dangerous area. Mr. Roth commented that their policy is that no new trails are ever installed without the landowner's permission.

The Board requested that the Mountain Bikers come before them twice a year to provide updates.

Mr. Soriano stated that Spillman Farmer has approved all the drawings for the security upgrades at the Municipal Building and the project will begin shortly. He noted that the construction will take place during off-hours to minimize the disruption to the staff.

Commissioner Brinton announced that she and Commissioner Martucci attended the meeting with Senator Mensch at the Upper Saucon Township Building. She noted that it was a nice forum and she would like to address some issues at an upcoming meeting.

Commissioner Ackerman thanked the Recreation Advisory Committee for their efforts with Egg Hunt on March 23<sup>rd</sup> at Lindberg Park.

Commissioner Brown inquired about the large number of parking tickets written at the Lehigh Valley Hospital in February. Chief Stiles stated that most of the tickets were written in January but the monies were not collected until February, which is when it was put in the report.

## **ADJOURNMENT**

Commissioner Martucci made a Motion to adjourn the Meeting, seconded by Commissioner Brinton. The time was 8:33 p.m.

Respectfully submitted,

Randy Soriano



Secretary

These constitute the official minutes of the Regular Meeting of the Board of Commissioners held on March 28, 2013.

Approved and certified on this date:

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Randy Soriano

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Date

SEAL